

POWERS MUST DIE ON THE GALLOWS

Found Guilty a Third Time
of Complicity in the
Goebel Murder.

SMILES WHEN SENTENCED

Only Chance for Escape Now Is in
Reversal by the United States
Supreme Court.

MAKES AN ELOQUENT PLEA

Charges Made That Jurors Who Tried
Him in Each Case Were Parti-
san Democrats.

[SPECIAL DESPATCH TO THE HERALD.]

LEXINGTON, Ky., Saturday.—Caleb Powers, elected Secretary of State by the Republicans in 1890, was sentenced to death in the Scott County Circuit Court to-day for conspiring to have assassinated Senator William Goebel, who, at the head of the democratic ticket, was contesting the election of the State officers.

Powers had been tried twice before and each time he was found guilty, but the penalty was made life imprisonment. Then the Court of Appeals, which was republican, reversed the decisions of the lower court by a majority decision. Powers' only chance for escape now is in action by the Supreme Court of the United States, and his case will be taken to this body after the Court of Appeals of this State, which is now democratic, has passed upon it. It is asserted in his behalf that the jury was made up of partisan democrats and that the federal constitution was violated.

The jury in the third trial took the case last night. It was nearly twelve o'clock to-day when the verdict of guilty was handed to the clerk, and each juror answered that it was his verdict.

Powers sat unmoved and a smile played upon his face. His attorneys asked for time in which to file a motion for a new trial, and they were given until the afternoon. Women who had filled the court room crowded about the prisoner and shook his hand.

PLEA FOR TIME DENIED.

Judge Sims, attorney for Powers, asked in the afternoon for more time in which to file a motion before the sentence was passed, and the Commonwealth objected.

"We have had but two hours," said Major Wood.

"You might have prepared the motion before the verdict," answered Commonwealth's Attorney Franklin.

"I could not anticipate what the verdict would be," Major Wood contended.

"After hearing the evidence?" retorted Franklin.

"This man has been found guilty. Why this third time? Why this unseemly haste?" urged Judge Morton, of the bench.

Judge Robbins overruled the motion, and gave the defense until October 2 to file a bill of exceptions for an appeal.

Judge Robbins then passed sentence upon Powers after reading the indictment and asking him if he had any cause to show why he should not be sentenced.

"NOT GUILTY," said the prisoner.

"I am not guilty, Judge," said the prisoner, with a smile.

"If this be true it is a fearful calamity," said Judge Robbins, "but the jury has fixed the penalty under the law. The judgment of the Court therefore passed judgment on you, and you are remanded to jail until November 25, when you are ordered to be hanged by the neck until dead."

Arthur Goebel, a brother of the murdered man, fell in a swoon when the verdict was rendered.

He was educated and taught in the county schools until he entered politics in 1880, and was nominated by the republicans for Secretary of State. It was from a widow in the office of the Secretary of State that Mr. Goebel was introduced to Governor Harrison.

He was elected in 1890, and had been in the office and had gone to Louisville. The assassin was let into the room by some one who had a duplicate key.

Powers' alleged accomplice.

Powers' speech in his own behalf has been pronounced by lawyers a most able argument. He spoke for six and a half hours, and declared he was innocent of the murder.

He is about thirty-five years old and handsome. His confinement in jail for three and a half years has told upon him, and he looks as if in wretched health.

Powers is the second man to receive the death sentence for the murder of Mr. Goebel, this having been the verdict in the first trial of James Howard, but the Court of Appeals ordered a new trial, and the result was a life sentence. Another trial resulted in the same verdict, and Howard has again appealed his case.

GOEBEL MURDER AN OUTCOME OF CONTEST FOR STATE OFFICE IN 1900.

William Goebel was shot on December 30, 1899, as he was approaching the State Capitol in Frankfort, Ky., a few hours before arguments were to begin on his contest for the Governorship of the State.

Many arrests were made in connection with the shooting. Among the suspects was Sergeant N. Wharton Golden, of the State militia, who was arrested, implicating Golden, Powers, republican Secretary of State; Captain John Davis, W. H. Cullen and Harland Whitaker in the plot to kill Goebel.

It was Golden who finally implicated James Howard, who was indicted in April, 1900, along with "Yellow-bell" Cullen, Whitaker, Berry Howard, Powers, Cullen, Charles E. Finley and Golden.

Powers was the first one tried, and was sentenced to life imprisonment, but he obtained a new trial on the ground that the jury was unfair. After being again convicted he was granted another trial, and in December, 1902, he made a public appeal for mercy to carry on the third trial, which has just resulted in his conviction.

James B. Howard was found guilty in September, 1900, and sentenced to death. He received two new trials, and the third time he was sentenced to life imprisonment.

Just before the shooting of Goebel, W. S. Taylor had been declared elected Governor of Kentucky, and the State Legislature, which, under the Goebel law, was the proper body to decide the matter, declared in his favor.

Thousands flocked to the scene of the shooting. Friends of the injured man did not hesitate to implicate Governor Taylor in the shooting. For days before Goebel was shot Frankfort had been filling up with men from the mountains. Fearing bloodshed the Governor called out the militia, an act which further inflamed the anger of his supporters.

Frequent attempts were made by the democratic members of the Legislature to meet and declare Goebel elected, but Governor Taylor frustrated each move. Finally they went to Louisville and held a secret meeting, making Goebel the Chief Executive and W. S. Beckham Lieutenant Governor.

After Goebel's death Beckham succeeded to his office, which was finally upheld by the United States Supreme Court.

HELD FOR STEALING SILK.

Three Men Arrested, Charged with Robbing an Establishment in Spring Street.

Charged with stealing \$32 worth of silk from a Spring street establishment, Newell W. Sawyer, of No. 26 West Twenty-seventh street; Frank Stearns, of No. 28 West Twenty-seventh street; and Edward Olsen, of No. 30 West Twenty-second street, were held yesterday in \$1,000 bail by Magistrate O'Connor. Sawyer is said to have prominent relatives in Buffalo.

Use of the prisoners is said to have made a partial confession, telling Detective Doyle that if he would go to a stop on an elevated car, and five feet west of Seventh street, in Twenty-second street, he would find a pawn ticket for some of the silk stolen in a recent raid. Doyle found the ticket.

Harrigan's Latest Hit, "The Fringe of Society"

CHORUS

Oh waltz to me Booz-ey Su-sie dear, You are an old pal of mine—

There's no mil-lion-aires or vel-ve-ty chairs For the lodg-ers that live down the line.

Oh waltz to me Booz-ey Su-sie dear,

Cud-dle up clos-er to me. We're out for the booze, with noth-ing to lose,—The Fringe of So-ci-e-ty.

Oh

Oh, there is a gent whose money was spent
On Wall street, near Trinity's chimneys;
He juggled with shares, and now millionaires
They pay him a nickel for shines.
It's known all about that he's down and out,
He's dead to the world, do you see;
Oh, he's had his chance, now he's in the dance
With the fringe of society.

Chorus.

Now there is a lad whose wealthy old dad
He bade him begone in a rage,
Because he had wed a beauty, 'tis said,
That dazzled the dukes from the stage.
He took to the booze on hearing the news
And went as a sailor to sea;
Now family pride keeps him in the tide
With the fringe of society.

Chorus.

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In the old "Harrigan and Hart" days the songs that were introduced in their topical plays were strong features and swept over the country on a wave of popularity, such as the "Mulligan Guards" series, which were played in every theatre and strummed on every piano, probably, from Maine to California. Edward Harrigan is to appear in New York this week in "Under Cover," a play of the style which made him and "Tony" Hart widely popular, but written "up to date," and the song "The Fringe of Society," which the Herald publishes to-day, was the hit of the piece when it was "tried on" a few nights ago at Bridgeport, Conn., and sung by Miss Jennie Teanmans. Mr. Harrigan writes all the songs which are produced in his plays. The music of "The Fringe of Society" is by George Braham, a son of David Braham, who for years was the musical director of the Harrigan and Hart Theatre and composer of "The Mulligan Guards" and other songs of the series.

LIQUOR MEN FIRE FIRST GUN AT LOW

Fritz Lindinger, President of Their Association, Sends Out 30,000 Letters to Voters.

WILL OPEN HEADQUARTERS "HANDS OFF!" IS THEIR CRY

Fritz Lindinger has struck the first blow for the liquor dealers in the coming municipal campaign in a letter sent out to thirty thousand voters yesterday, in which he outlines his position and that of the Liquor Dealers' Association, of which he is president. It is the first campaign document of that organization, and it required a corps of sixty young men and women to send the letters out. The document opposes the renomination of Mayor Low as the candidate to head the anti-Tammany ticket this fall. It is said also that the association, within the next day or two, will open headquarters in Broadway, from which an active campaign will be waged to prevent Mr. Low's renomination. If the fusionists disregard their appeals they will then oppose Mr. Low's election as an open ally of Tammany.

Mr. Lindinger, in his letter, "as a citizen and taxpayer of this city, having the best interests of this city at heart," protests "against a political crime about to be committed."

After pointing out that with the approach of the campaign there are many who insist that Mayor Low is the logical candidate for the head of the ticket, he charges the republicans with plotting to get control of the city, and adds:

"I ask you, being one of the leading men in the fusion movement, to be on your guard and not lend your hand and good name to further the interest of political crooks, who want to get control of this city."

Next he reviews the action of the Mayor in refusing to receive a committee of his association last spring while the bill increasing by fifty per cent the liquor license tax was before the Legislature, and concludes as follows:

"I can name innumerable other reasons why Mr. Low should not be a candidate, unless you want to nominate him to prove how extremely unpopular he is."

"We want a Mayor who is manly and courageous, and faces all issues fairly and squarely, and not an artful dodger. Put him up, and if you care to place a bet on his election you can readily be accommodated at his odds that he will be overwhelmingly defeated."

The resolutions adopted by the Executive Committee of the Greater New York Democracy had little effect upon the other members of the Conference Committee. They pointed out that while Mr. Sheehan's organization favors Mayor Low, an independent democrat, it did not specify that the organization would not support Mayor Low if he were the new candidate.

The return of the Mayor to-morrow and the first meeting of the Fusion Conference Committee at the Citizens' Union headquarters, in Union square, on Tuesday evening, promise an active week among political groups.

BITTERNESS GROWS IN DISTRICT WARS

Present Tammany Leader Sure He Will Be Returned Over His Antagonists in Thirty-First.

TUNEFUL CANDIDATE BUSY

Mr. Dooley Still Wages Vigorous Fight with the Song That Made his Name Famous.

With the approach of primary elections in several districts of the city contests are growing in bitterness or are on the verge of collapse.

Isaac A. Hopper's friends in the Thirty-first Assembly district are confident that he will be elected as the Tammany leader. The opposition to him, they declare, has dwindled to the efforts of a few of his most bitter enemies.

The members of the Harlem Democratic Club at a meeting last night adopted resolutions endorsing him. Representative Francis E. Shober introduced the resolutions pledging him the loyal support of the club.

Mr. Hopper's followers expect to demonstrate their strength on Tuesday night at the annual summer night's festival of the General Committee, which is to be held at the Manhattan Casino, Eighth avenue and Sixth street.

Another bitter contest which is arousing considerable interest in republican circles is the fight which Alderman Herbert Parsons is waging against Henry Russell, who had himself elected leader of the Twenty-fifth Assembly district. After Dock Commissioner Hawkins had carried the primary with the aid of George R. Manchesters, secretary to the Republican County Committee, and John A. Weeks.

In the Twenty-ninth district Joseph F. Mulqueen's friends are making every effort to defeat Thomas Rush, who is trying to become the Tammany leader. Mulqueen is to open his campaign in several sections of his district to-morrow night.

John J. Dooley's followers in the Twenty-third district had a spectacular parade in Harlem last night, headed by bands, which played nothing but "Mr. Dooley."

Forty-two hand organs have been engaged for primary day, and one of these is to be stationed in each election district and play the "Dooley" air continuously, just to remind the voters that Mr. Dooley expects to defeat Thomas McAvoy, the present Tammany leader.

Uniqueness among men.

The idea in that measure, however, which proposes that the government make loans against first mortgage bonds that have paid dividends uninterruptedly for a long period of years means little or nothing, because there are comparatively few of such bonds now. What few exist are held by private ownership and are scattered in such shape that they are not and could not be placed in the possession of the banks for securing loans upon to any extent worth mentioning.

"Nearly all the railways have consolidated, new securities have been issued, and the bringing of the different divisions of the railways together has changed the conditions." Technically speaking, a first mortgage bond on these consolidated roads is not a first mortgage on the whole line, and the strength of the new securities is not as great as the original ones, though practically they may be worth just as much.

"How do you view the provisions proposed in the Fowler bill for financial elasticity?"

"It is a wise and admirable bill as a whole. It aims to give relief in any financial contingency that may arise. It may be some of its features somewhat sweeping; it may go too far."

Bryan to Stump Ohio.

CLEVELAND, Ohio, Saturday.—William J. Bryan will deliver several political speeches in Ohio in the democratic State campaign. He and Mr. Johnson, democratic candidate for Governor, will speak at a meeting in Oak Harbor next Monday.

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